

REMARKS

Reconsideration of this application is respectfully requested. Applicants have addressed every requirement expressly set forth in the Office action dated June 4, 2009, and believe that the Application is in condition for allowance.

COMMENTS REGARDING AMENDMENTS

The Applicants herewith amend the claims to add new claims 15 through 17 to identify further features of certain embodiments of the invention as described in the disclosure. Basis for the new claims can be found in, among other places, paragraphs 20 through 22 of the published Application.

CLAIM REJECTIONS – 35 USC §103

Ground 1

Claims 1 through 9 were rejected as being unpatentable over Kahara et al. (U.S. Patent No. 5,753,871) in view of Baig (U.S. Patent Application Publication No. 2002/0139611) and Forry (U.S. Patent No. 4,585,685). The Applicants respectfully traverse. First, Baig is cited as teaching the use of aggregate particles to coat ceiling tiles, but the Office action notes that Baig does not teach embedding the particles in the tile. The Applicants respectfully submit that the particles not only are not embedded in Baig, they can not be embedded as in the Applicants' invention. This is because the particles in Baig are sprayed on to the ceiling tile (not deposited as described in the Application), and they are coated with a paint product as noted in that reference as follows:

[0061] The mineral wool rich surface was coated with dry calcium carbonate particles. The coarse calcium carbonate was spray coated at a coverage of about 38 gm./ft.<sup>2</sup>. Prior to applying the calcium carbonate, the tiles were painted with standard acoustical tile paint. The paint was applied with a roll coat and then with a flow coat and dried. After applying the calcium carbonate, the tiles were spray painted with a standard acoustical tile paint and were dried.

Baig, paragraph 61.

There is a layer of paint on the tile before the calcium carbonate is added, and then another coat of paint is sprayed on after the calcium carbonate is added. The paint

presumably acts as the adhesive to secure the particles to the tile. The particles can not be pressed into the tile because it would ruin the finish of the tile, and there would be problems associated with paint adhering to the pressing means. These problems are not addressed in Baig or in any of the cited references.

Second, Forry is cited as teaching a tile that is coated with aggregate particles that are pressed into the front surface of the tile. The Applicants respectfully submit that Forry does not teach embedding of particles as in the Applicants' invention. Forry is directed towards the deposition of particles onto a dry ceiling tile that is formed using a dry-form process as noted in that reference as follows:

Accordingly, one object of the present invention is to provide a dry-formed product which has a facing having a pleasing appearance, yet which is acoustically porous.

Forry, column 2, lines 16-19.

Forry specifically states that the deposition of aggregate on tiles made using a wet-laid process is problematic and produces undesirable properties as noted in that reference as follows:

Aggregate facing materials have not been successfully used to produce acoustical materials because the facing materials cannot be adequately adhered to the board when it is in the wet state. This may occur because the consolidation which causes the aggregate to adhere to the wet board results in a densification of the board so that it is no longer acoustical, and/or because the faced boards cannot be fissured to render them acoustically porous without substantially interfering with the appearance of the board. When aggregate is

Forry, column 1, lines 42-51.

As can be seen in the passage above, Forry actually teaches away from embedding aggregates to boards made using a wet-laid process. As such, Forry is not a proper reference that can demonstrate that embedding aggregate as taught by the Applicants is obvious or desirable. In addition, neither Forry nor Baig mentions the use of rollers as a pressing means. In light of the foregoing and since the Office notes that Kahara is deficient in its teachings, the Applicants respectfully submit that Kahara, Baig and Forry alone or in combination do not teach, disclose or suggest the invention claimed by the Applicants.

The Applicants believe that there are further reasons why the rejections of Claims 1 through 9 based on Kahara in view of Baig and Forry under 35 USC §103(a) should be withdrawn, but the Applicants assert that the foregoing arguments are sufficient to overcome the rejections. Nonetheless, the Applicants reserve the right to provide further arguments in traversal of the rejections in any future responses to Office actions or in any appeals.

Ground 2

Claims 1 through 9 were also rejected as being unpatentable over Cotts (U.S. Patent No. 3,184,372) in view of Baig and Forry. The Applicants respectfully traverse. The Applicants respectfully submit that the arguments noted above with regard to Baig and Forry are applicable to this second ground for rejection and re-assert them accordingly. In light of the foregoing and since the Office notes that Cotts is deficient in its teachings, the Applicants respectfully submit that Cotts, Baig and Forry alone or in combination do not teach, disclose or suggest the invention claimed by the Applicants. The Applicants believe that there are further reasons why the rejections of Claims 1 through 9 based on Cotts in view of Baig and Forry under 35 USC §103(a) should be withdrawn, but the Applicants assert that the foregoing arguments are sufficient to overcome the rejections. Nonetheless, the Applicants reserve the right to provide further arguments in traversal of the rejections in any future responses to Office actions or in any appeals. Consequently, the Applicants respectfully submit that the Application is in condition for allowance.

Respectfully submitted,

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